

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MWK RECRUITING INC.,**

Plaintiff

v.

**EVAN P. JOWERS,**

Defendant

**Case No. 1:18-cv-00444-RP**

**EVAN P. JOWERS,**

Counterclaimant

v.

**MWK RECRUITING, INC.,  
ROBERT E. KINNEY,  
RECRUITING PARTNERS GP, INC.,  
KINNEY RECRUITING LLC,  
COUNSEL UNLIMITED LLC, and  
KINNEY RECRUITING LIMITED,**

Counterdefendants

**PLAINTIFF/COUNTERDEFENDANTS' OPPOSED MOTION TO CONTINUE**

Plaintiff/Counterdefendant MWK Recruiting Inc. and Counterdefendants Robert E. Kinney, Recruiting Partners GP, Inc., Kinney Recruiting LLC, Counsel Unlimited LLC, and Kinney Recruiting Limited (collectively, “MWK”) file this Motion to Continue and respectfully state as follows:

By Order dated May 24<sup>th</sup>, 2021, the Court has reset the present case for bench trial on Monday, October 4<sup>th</sup>, 2021 at 9:00 AM. ECF No. 280. The undersigned counsel for MWK represents Fintiv, Inc. in *Fintiv, Inc. v. Apple Inc.*, Case No. 1:19-cv-01238-ADA. By Order dated March 10<sup>th</sup>, 2021, the Court reset the *Fintiv* case for jury trial on Monday, October 4<sup>th</sup>, 2021. The *Fintiv* case remains set for jury trial on October 4<sup>th</sup>.<sup>1</sup> Due to this conflict, MWK respectfully requests that the bench trial in this case be continued.

MWK does not seek delay in filing this motion. Because jury selection is anticipated to be held on Friday, October 1<sup>st</sup> by Magistrate Judge Manske in the *Fintiv* case, MWK proposes that the bench trial here be reset between Monday, September 27<sup>th</sup>, and Thursday, September 30<sup>th</sup>. Otherwise, MWK requests that the bench trial be continued to a date after Friday, October 29<sup>th</sup>, and excluding Monday, November 8<sup>th</sup> through Friday, November 12<sup>th</sup>.<sup>2</sup>

For the foregoing reasons, MWK respectfully requests that the Court continue the bench trial in this case.

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<sup>1</sup> Due to the uncertain circumstances caused by the COVID-19 pandemic, the Court has informed the parties in the *Fintiv* case that trial will proceed as scheduled in Waco if the Austin courthouse closes.

<sup>2</sup> The undersigned counsel will be out of the country for the remainder of October. Additionally, the undersigned counsel represents the plaintiff in *Densys Ltd. v. 3Shape Trios A/S*, Case No. 6:19-cv-00680-ADA, which is set for jury selection and trial on Monday November 8<sup>th</sup>, 2021 at 9:00 AM.

Dated: August 18, 2021

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFFS AND  
FOR COUNTER-DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

Counsel for MWK met and conferred with counsel for Defendant Evan P. Jowers (“Jowers”) prior to filing this motion. Counsel for Jowers refused to state whether Jowers is opposed or unopposed to this motion, but by his actions made clear that this motion is opposed.



Raymond W. Mort, III